

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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Mark Crimauto,

Case No. 0111014765

Charging Party,

ORDER

-v-

Roth Staffing Companies  
(Ultimate Staffing),  
Respondent,

Charging Party, Mark Crimauto (Crimauto) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging discrimination in employment on the basis of age and national origin by Roth Staffing Companies.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Crimauto's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Crimauto filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 20, 2011.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission unanimously concludes the determination of the Department to dismiss the complaint in this case was not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, charging party's claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Crimaudo's objection to the Notice of Dismissal is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Roth Staffing Companies (Ultimate Staffing).

DATED this 1<sup>st</sup> day of August 2011.

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L.M. Minich, Chair  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 1<sup>st</sup> day of August 2011.

MARK CRIMAUDO  
236 ROAMING DRIVE  
CHUCKEY, TN 37641

JENNIFER SIMONSON  
ULTIMATE STAFFING  
333 CITY BOULEVARD WEST, #100  
ORANGE, CA 92868

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Tam Newby, Legal Secretary  
Montana Human Rights Bureau